

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

10 FELICIA WILLIAMS,) Case No. 2:16-cv-01919-KJD-NJK
11 Plaintiff(s),)
12 vs.) ORDER
13 WAL-MART STORES, INC.,) (Docket No. 21)
14 Defendant(s).)
15 _____)

16 Pending before the Court is a stipulation regarding parameters for Plaintiff's examination
17 performed under Rule 35 of the Federal Rules of Civil Procedure. Docket No. 21.¹ Discovery is meant
18 to proceed with limited involvement of the Court. *Cardoza v. Bloomin' Brands, Inc.*, 141 F. Supp. 3d
19 1137, 1145 (D. Nev. 2015) (quoting *F.D.I.C. v. Butcher*, 116 F.R.D. 196, 203 (E.D. Tenn. 1986)). To
20 that end, the rules specifically allow parties to stipulate to the parameters of discovery without court
21 approval, except when stipulations interfere with deadlines established by the Court, hearings, or trial.
22

23 ¹ The pending stipulation appears to be a form used by counsel in state court proceedings, *see id.* Docket
24 No. 21 at 1 (referring to "NRCP 35"), and is in some ways inapplicable to federal court proceedings, *see id.*
25 at 2 (referring to existence and availability of a Discovery Commissioner). In other ways, the stipulation
26 is inconsistent with the applicable rules of this Court. Compare *id.* at 3 (giving the moving party discretion
27 to present any dispute arising out of the IME to either the assigned magistrate judge or district judge) with
28 Local Rule 26-7(a) (discovery disputes are generally referred to the magistrate judge assigned to the case).
To the extent any dispute arises out of the IME, that dispute must be presented to the Court in accordance
with the applicable Local Rules and the Federal Rules of Civil Procedure.

1 Fed. R. Civ. P. 29(b). Because it does not appear on its face that the pending stipulation impacts any
2 deadline, hearing, or trial, the pending stipulation is **DENIED** as unnecessary.

3 IT IS SO ORDERED.
4 DATED: November 3, 2016

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6 NANCY J. KOPPE
7 United States Magistrate Judge
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